IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 9775 of 2004

Between:
Kuna Jagadiswara Rao, S/o. Karuvulu,
R/o. Srikakulam, Srikakulam District.

..... PETITIONER

AND

1 The Regional Manager, A.P.S.R.T.C. Srikakulam, Srikakulam District.
2 The Personnel Officer A.P.S.R.T.C. Srikakulam, Srikakulam District.
3 The Zonal Manager, A.P.S.R.T.C.,Vizianagaram, Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ in the nature of Mandamus or any other appropriate writ or direction declaring the action of the Respondents in not issuing the appointment order as Driver even though the petitioner was acquitted in the criminal case is illegal and arbitrary and consequently direct the Respondents Corporation to consider the case of the petitioner for the appointment to the post of Driver and pass

Counsel for the Petitioner:MR.K.BHEEMA RAO

Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY

The Court Made the Following :

ORDER:

The petitioner passed both the written examination and oral interview conducted by the respondents-corporation and selected as a Driver. Thereafter, he was sent to training in the year 1998 and he has successfully completed the training. Thereafter, it was found that the driving licence produced by the writ petitioner was bogus. Therefore, the respondents-corporation gave a police complaint against the writ petitioner and some others for producing bogus driving licence. The police registered a case in Crime No.211 of 1998 under Sections 468 and 471 of IPC and filed a charge sheet. After enquiry, the charges levelled against the writ petitioner and others have not been established and therefore, they have been acquitted from the charges levelled against them. Thereafter, the writ petitioner made a representation to the first respondent- Regional Manager on 14.09.2002 to consider his case for the appointment as Driver as the charges in Criminal Case are not established beyond reasonable doubt, but no action has been taken so far. Hence, the present writ petition.

The learned counsel appearing for the petitioner contended that in spite of the acquittal order passed by the Criminal Court, no action has been taken by the respondents and that the writ petitioner was duly qualified and selected in

the written examination and interview which were conducted by the respondents-corporation and further he underwent training as prescribed by the respondents-corporation. Therefore, he prays to allow the writ petition.

The same is opposed by the learned counsel for the respondents on the ground that simply because the writ petitioner was acquitted of all the charges for the offences of forgery, it does not entitle the petitioner to reinstatement of his service or to give appointment. The same has to be considered by the respondents in accordance with the rules and regulations of the corporation. It is not in dispute that the petitioner was a duly qualified Driver having passed the written examination and oral interview conducted by the respondents-corporation. It is also not in dispute that the petitioner underwent training as prescribed by the respondents-corporation. It is after completion of training, it came to light that the writ petitioner produced false or bogus driving licence. Therefore, no appointment orders have been given.

On the other hand, the respondents-corporation gave a complaint against the persons including the writ petitioner who, produced bogus driving licence and the police after completion of investigation, filed a charge sheet against in a Criminal Case. The writ petitioner and some others are acquitted as the prosecution failed to establish the guilt of the accused beyond reasonable doubt. Thereupon, the writ petitioner gave a representation to the first respondent-Regional Manager on 14.09.2002 to consider his case as having been acquitted in the Criminal Court.

It is for the respondents to consider the case of the writ petitioner. Therefore, the writ petition is disposed of directing the first respondent-Regional Manager to consider the representation of the petitioner made on 14.09.2002 within a period of four weeks from the date of receipt of a copy of this order. In the circumstances of the case, no costs.

ASSISTANT

REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1 The Regional Manager, A.P.S.R.T.C. Srikakulam, Srikakulam District.

2 The Personnel Officer A.P.S.R.T.C. Srikakulam, Srikakulam District.

3 The Zonal Manager, A.P.S.R.T.C.,Vizianagaram, Vizianagaram District

4 2 C.D. copies

Note:

Issue copy in three days.

B/O

YCR/KVRM